



IT IS ORDERED

Date Entered on Docket: January 18, 2013

The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Clint Colby, 1531,
aka Clinton E. Colby

Case No. 10-12922-j7

Debtor.

**DEFAULT ORDER GRANTING BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP
ABANDONMENT OF PROPERTY LOCATED AT 604 N. PENNSYLVANIA AVE., ROSWELL**

This matter came before the Court on the Motion to Abandon Property located at 604 N. Pennsylvania Ave., Roswell, filed on December 7, 2012, Docket No. 20 (the "Motion") by Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP ("Movant"). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On December 7, 2012, Movant served the Motion and a notice of the Motion (the "Notice") on counsel of record for the Debtor(s) and the case trustee (the "Trustee") by use of the Court's case management and electronic filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor(s) by United States first

class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

The south 29 feet of Lot 4 and all of Lot 5 in Block 53 of West Side Addition, in the City of Roswell, County of Chaves and State of New Mexico, as shown on the Official Plat recorded January 1, 1891 in Plat Book A, Page 4, Real Property Records of Chaves County, New Mexico.

(the "Property").

(c) The Notice specified an objection deadline of 14 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on December 24, 2012;

(f) As of January 16, 2013, neither the Debtor nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein; and

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies, under penalty of perjury that, on January 2, 2013 Robin L. Hill, Bankruptcy Legal Assistant searched the data banks of the Department of Defense Manpower Data Center ("DMDC"), and found that the DMDC does not possess any information indicating that the Debtor is currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. The Trustee is deemed to have abandoned the Property from the estate pursuant to 11 U.S.C. §554 as of the date of entry of this Order, and the Property therefore no longer is property of the estate. As a result, Movant need not name the Trustee as a defendant in any state court action it may pursue to foreclosure liens against the Property and need not notify the Trustee of any sale of the Property. Movant may proceed under applicable non-bankruptcy law to enforce it's remedies to foreclose, repose and obtain possession of the Property.

2. This Order shall continue in full force and effect if this case is dismissed or

converted to a case under another chapter of the Bankruptcy Code.

XXX END OF ORDER XXX

Submitted by:

SUSAN C. LITTLE & ASSOCIATES, LTD.

By: /S/Electronically submitted / 01.16.13

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